

REMARKS

Claim 1 is canceled. Claims 2-5, 19, 21-24 and new Claim 25 are active in the case. Claims 6-18 and 20 stand withdrawn from consideration.

Claim Amendments

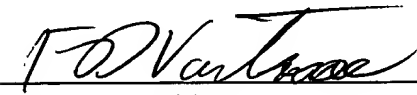
New Claim 25 is supported by the paragraph bridging pages 16 and 17 of the text. Entry of the claim into the record is respectfully requested.

Applicants enclose a second declaration (37 CFR 1.312) for consideration by the Examiner. The declaration provides a comparative cell similar to that of Example 2 of the application except that the active material of the negative electrode was MnS. The result is that the cell produced was completely inoperable as a battery. Thus, all of the sulfide materials shown by Kawakami et al do not function as negative electrode materials, and therefore, positive and negative electrode materials are not always interchangeable.

It is now believed that the application is in proper condition for consideration on its merits.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of
Takako KAMO

Serial No. 09/160,583

Group Art Unit: 1745

Filed: September 25, 1998

Examiner: Jonathan S. Crepeau

For: NONAQUEOUS SECONDARY BATTERY

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

I, Takako KAMO, a Japanese citizen, working at 8-3-1, Chuo, Amimachi, Inashiki-gun, Ibaraki 300-0332 Japan, hereby declare and state that I received a Master's Degree of Applied Chemistry from the faculty of Engineering in Tohoku University, in March of 1987, and I was employed by Mitsubishi Chemical Corporation in May of 1988. I have been principally engaged in research and development of solid catalysts from that time to 1995 and in research and development of materials for battery since 1996.

I declare further that I am the inventor of the subject matter of the claims in the above-identified application and I have read all of the

documents contained in the file wrapper of the above-entitled application.

I declare further that the test described below was conducted at my direction and under my supervision and the test results are true and correct to the best of my knowledge.

For the purpose of comparison, a coin-shaped cell was produced in the same manner as in Example 2 by use of MnS as an active material of a negative electrode. The coin-shaped cell produced was completely inoperable.

This test result indicates that a battery having MnS as an active material of a negative electrode is inoperable. Thus, all the sulfide materials of Kawakami et al. do not function as a negative electrode and the materials used for positive and negative electrode in the patent are not always interchangeable.

I believe that no one skilled in the art reviewing Kawakami et al. would not be led to use the specific negative electrode active materials of the present invention in the construction of a secondary battery which exhibits a high voltage, high energy density and excellent charging and discharging characteristics, as well as long cycle life and high reliability.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated this 7 day of May, 2003

Takako Kamo

Takako KAMO